

AMENDMENT

Please amend the application as set forth below without prejudice to Applicant's ability to file a continuation application.

In the Claims:

Claims 1-45 (Cancelled)

Claims 46-50 (Cancelled)

51. (currently amended) A marker instrument comprising:

a tube comprising:

a lumen;

an axial opening at a proximal end of said tube;

a closed tip at a distal end of said tube;

a side exit port proximal to said closed tip; and

a plurality of marker elements disposed in said lumen;

wherein said plurality of marker elements includes at least

one radiopaque marker element and wherein at least one marker has a shape different from that of at least one other marker.

52. (previously presented) A marker instrument, according to claim 51 wherein at least one marker comprises a metal.

53. (previously presented) A marker instrument according to Claim 51 wherein at least one marker comprises a non-metallic material.

54. (cancelled)

55. (previously presented) A marker instrument according to Claim 51 wherein at least one marker has a size different from that of at least one other marker.

Claims 56-59 (Cancelled)

60. (Currently amended) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen; and

a side exit port communicating with said lumen;

a plurality of tissue markers disposed in said lumen proximal of said side exit port;

an element slidably disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port;

wherein at least one of said markers is visible using an imaging system, and wherein at least one marker has a size different from that of at least one other marker.

61. (cancelled)

62. (cancelled)

63 (previously presented) The device of Claim 60 wherein at least one of said markers is radiopaque.

64. (previously presented) The device of Claim 60 wherein the device is adapted to be inserted through an outer piercing needle of a biopsy instrument.

65. (previously presented) The device of Claim 60 wherein at least one of said markers comprises stainless steel.

66. (previously presented) The device of claim 60 wherein said tissue markers are disposed end to end in said lumen.

67. (previously presented) The device of Claim 60 wherein at least one marker has a shape different from that of at least one other marker.

68. (cancelled)

69. (previously presented) The device of Claim 60 wherein said markers are disposed in said lumen such that said markers are deployed one at a time.

70. (previously presented) The device of Claim 60 wherein at least one marker comprises a metal.

71. (previously presented) The device of Claim 60 wherein at least one marker comprises a non-metallic material.

72. (previously presented) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen;

a side exit port communicating with said lumen;

a plurality of discrete tissue markers disposed in said lumen, wherein at least one marker has a size different from that of at least one other marker; and

an element disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.

73. (previously presented) A device for deploying a tissue marker at a biopsy site, the device comprising:

a tube comprising:

a lumen;

a side exit port communicating with said lumen;

a plurality of discrete tissue markers disposed in said lumen, wherein at least one marker has a shape different from that of at least one other marker; and

an element disposed in said lumen for pushing said markers distally in said lumen for deployment of said markers through said side exit port.